

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EAGLEWOOD CONSULTING,
LLC.,

Plaintiff,

VS.

GRAPHIC PACKAGING
INTERNATIONAL, INC.,

Defendant.

Civil Action No:
1:10-cv-03467-RWS

**DEFENDANT GRAPHIC PACKAGING INTERNATIONAL,
INC.'S MOTION TO DISMISS IN LIGHT OF PRIOR *QUI TAM*
SETTLEMENT AND AGREED ORDER AND FINAL JUDGMENT**

Defendant Graphic Packaging International, Inc. (“GPI”) respectfully moves the Court to dismiss this case, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), in light of the prior *qui tam* settlement and Agreed Order and Final Judgment in *San Francisco Technology, Inc. v. Graphic Packaging International, Inc.*, Civil Action No. 1:10-cv-1195-CAP, U.S. District Court for the Northern District of Georgia. Also, Plaintiff Eaglewood Consulting, LLC’s claims are duplicative of SF Tech’s earlier-filed action. This Court lacks subject matter jurisdiction over, and Eaglewood cannot state, a claim under 35 U.S.C. § 292. The grounds for dismissal with prejudice are discussed in further detail in GPI’s

accompanying memorandum in support of this motion. GPI respectfully requests that the Court grant this Motion to Dismiss.

Respectfully submitted, this 19th day of April, 2011.

/s/ William M. Ragland, Jr.

William M. Ragland, Jr.

Georgia Bar No. 591888

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Local Rule 7.1 Compliance Certificate

Pursuant to Local Rule 7.1D, Defendant Graphic Packaging International, Inc. hereby certifies that the foregoing **Defendant Graphic Packaging International, Inc.'s Motion to Dismiss In Light of Prior *Qui Tam* Settlement and Agreed Order and Final Judgment** complies with the font and point selections approved by the Court in Local Rule 5.1C. The foregoing document was prepared on a computer using Times New Roman, 14-point font.

/s/ William M. Ragland, Jr.

William M. Ragland, Jr.

Georgia Bar No. 591888

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Defendant Graphic Packaging International, Inc.'s Motion to Dismiss In Light of Prior *Qui Tam* Settlement and Agreed Order and Final Judgment** was electronically filed with the Clerk of Court using the CM/ECF system on April 19, 2011, which will send notification to the registered attorney(s) of record that the documents have been filed and are available for viewing and downloading.

The undersigned certifies that on April 19, 2011, the aforementioned documents were also served via U.S. Mail, with adequate postage affixed thereto, as follows:

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